

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF CALIFORNIA**

BRADLEY MEDINA, et al.,	)	Case No.: 1: 21-cv-00844-JLT-EPG
	)	
Plaintiff,	)	ORDER ADOPTING IN FULL THE FINDINGS
	)	AND RECOMMENDATIONS AND GRANTING
v.	)	IN PART AND DENYING IN PART DEFENDANT
	)	MAPES' MOTION FOR SUMMARY JUDGMENT
COURTNEY MAPES, M.D.,	)	
	)	(Docs. 52, 72)
Defendant.	)	
	)	
	)	

Bradley Medina and Svetlana Krivencheva bring claims for medical negligence, lack of informed consent, and loss of consortium against Courtney L. Mapes, M.D. On November 11, 2024, the assigned magistrate judge issued Findings and Recommendations do grant in part and deny in part Defendant Mapes' motion summary judgment. (Doc. 72.) The magistrate judge recommended (1) denying the motion as to Plaintiff Medina's claim for medical malpractice; (2) granting the motion as to Plaintiff Medina's lack of informed consent claim; and (3) denying the motion as to Plaintiff Krivencheva's loss of consortium claim. (Doc. 72 at 14, 16.)

The Court served the Findings and Recommendations on the parties and notified them that any objections were due within 30 days. (Doc. 72 at 17.) Plaintiffs filed objections on December 20, 2024. (Doc. 73.) Defendant Mapes replied to the objections on January 15, 2024. (Doc. 74.)

According to 28 U.S.C. § 636(b)(1), this Court performed a *de novo* review of the action. Having carefully reviewed the matter, including the objections and reply, the Court concludes the

Findings and Recommendations are supported by the record and by proper analysis. The objections address only the informed consent claim, but do not meaningfully call into question the magistrate judge's recommendation to grant the Defense motion on that claim. Instead, Plaintiffs once again point to their allegations that Defendant failed to disclose the risks of not undergoing certain procedures and treatments. (*See* Doc. 73.) As the Findings and Recommendations correctly explain, "[i]f the procedure is one which should have been proposed, then the failure to recommend it would be negligence under ordinary medical negligence principles and there is no need to consider an additional duty of disclosure." (Doc. 72 at 16 (quoting *Vandi v. Permanente Med. Group, Inc.*, 7 Cal.App.4th 1064, 1070 (1992)).) Plaintiffs' objections are therefore without merit.

Thus, the Court **ORDERS**:

1. The Findings and Recommendations issued on November 22, 2024 (Doc. 72) are **ADOPTED** in full.
2. Defendant Medina's motion for summary judgment (Doc. 52) is **GRANTED in part and DENIED in part** as follows:
  - a. Defendant is granted summary judgment on Plaintiff Medina's lack of informed consent claim.
  - b. Defendant is denied summary judgment on Plaintiff Medina's medical negligence claim and Plaintiff Krivencheva's loss of consortium claim.

IT IS SO ORDERED.

Dated: **January 17, 2025**

  
UNITED STATES DISTRICT JUDGE